

Docket Item #5
BZA CASE #2010-0017

Board of Zoning Appeals
November 10, 2011

ADDRESS: 2302 RANDOLPH AVENUE
ZONE: R-2-5, RESIDENTIAL
APPLICANT: LAUREN MIZEREK AND KAREN STEER, OWNERS, BY RICHARD FLATHER, ARCHITECT

ISSUE: Variance to construct a detached garage in the required south side yard and front yard facing La Grande Avenue; Variance to construct an accessory shed in the required front yard facing La Grande Avenue.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-506(A)(1)	Front Yard (Garage)	25.00 ft.	18.00 ft.	7.00 ft.
3-506(A)(1)	Front Yard (Shed)	25.00 ft.	20.00 ft.	5.00 ft.
3-506(A)(2)	Side Yard (Garage) (South)	7.00 ft.	3.00 ft.	2.00 ft.

Staff **recommends approval** of the variance request for the detached garage because the applicants have demonstrated a hardship. If the Board should approve the garage, then the curb cut on Randolph Avenue is to be removed.

Staff **recommends denial** of the variance request for the accessory structure because the applicants have not demonstrated a hardship and there is an alternative location to place the shed in compliance with the R-2-5 regulations.

If the Board decides to grant the variances they must comply with the code requirements under the department comments and the applicant must submit the following prior to the release of a Certificate of Occupancy: (1) a survey plat prepared by a licensed surveyor confirming building footprint, setbacks, and building height compliance from average preconstruction grade and (2) certification of floor area from a licensed architect or engineer. The variance must also be recorded with the deed of the property in the City's Land Records Office prior to the release of the building permit.

September 29, 2010: Deferred at the request of the applicant to allow the applicant to investigate possibly vacating adjoining park land.

BOARD OF ZONING APPEALS ACTION OF SEPTEMBER 16, 2010: On a motion to defer by Mr. Lantzy, seconded by Mr. Goodale the variance was deferred by a vote of 4 to 0.

Reason: To allow the applicants to explore alternative locations for the proposed garage and shed and investigate if the City would support vacating a portion of the adjoining parkland.

Speakers:

Richard Flather, representative for the applicants, made the presentation.

Barry Bowser, neighbor at 2304 La Grande Avenue, spoke in opposition.

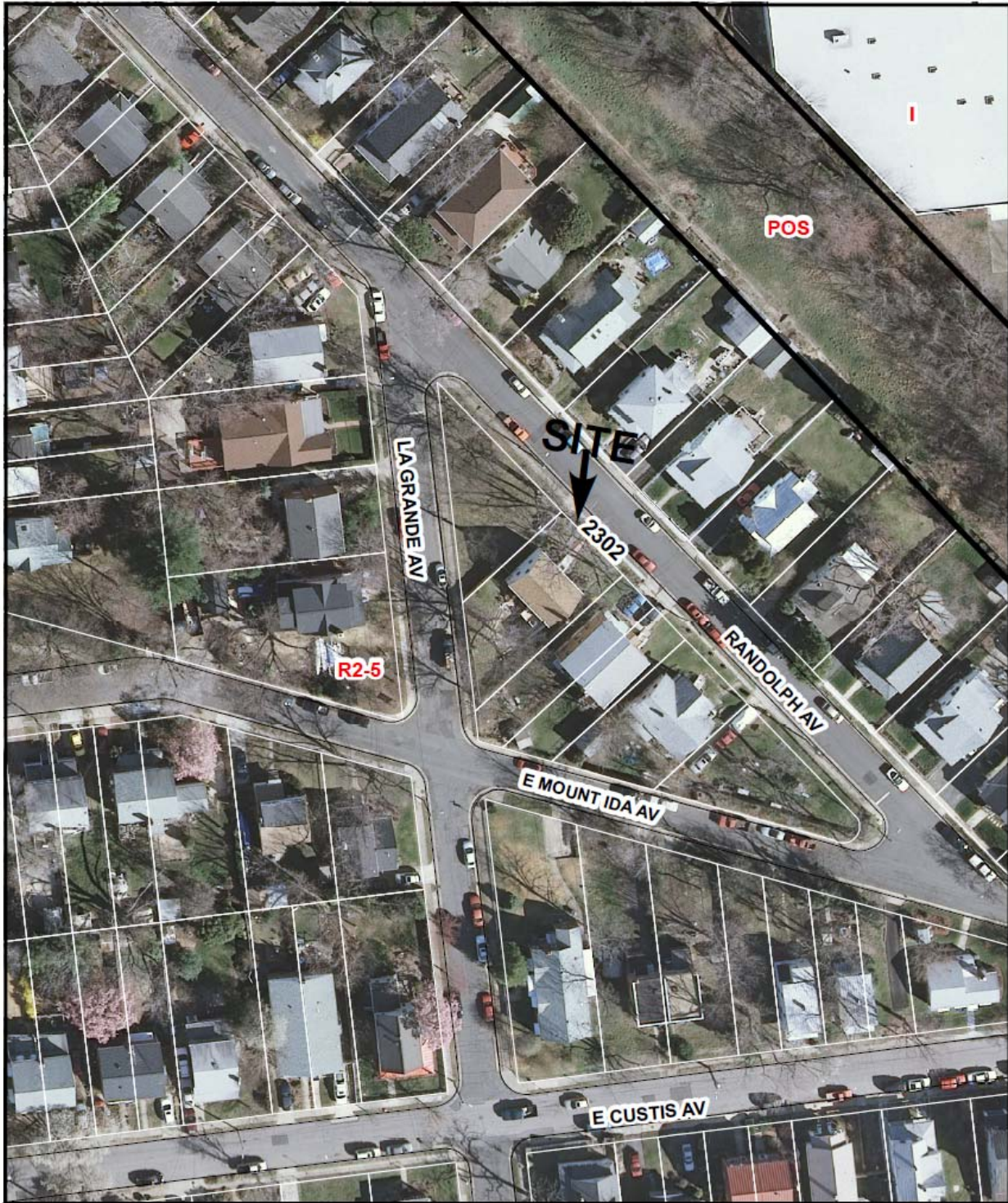
Juan F. Correa, Sr., neighbor at 2305 Randolph Avenue, spoke in support.

Amy Slack, neighbor at 2307 Randolph Avenue, spoke in support with the condition that if the variance is granted the existing curb cut on Randolph Avenue be closed.

Staff **recommends approval** of the request for the detached garage because the applicants have demonstrated a hardship. If the Board should approve the garage, then the curb cut on Randolph Avenue is to be removed.

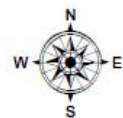
Staff **recommends denial** of the request for the accessory structure because the applicants have not demonstrated a hardship.

If the Board decides to grant the variances they must comply with the code requirements under the department comments and the applicant must submit the following prior to the release of a Certificate of Occupancy: (1) a survey plat prepared by a licensed surveyor confirming building footprint, setbacks, and building height compliance from average preconstruction grade and (2) certification of floor area from a licensed architect or engineer. The variance must also be recorded with the deed of the property in the City's Land Records Office prior to the release of the building permit.



BZA CASE #2010-0017

11/10/2011



I. Issue

The applicants request variances to build: (1) a one-car garage and (2) an accessory shed at the rear of the dwelling located at 2302 Randolph Avenue, but facing La Grande Avenue.



II. Background

The subject property, a through lot, is one lot of record with 50.00 feet of frontage on East Randolph Avenue, 62.88 feet of frontage on La Grande Avenue and has a total lot area of 4,800 square feet. A one and one-half story single-family dwelling with a basement is located 25.60 feet from the front property lines facing East Randolph and 30.00 feet from the front property line facing La Grande Avenue. The south side of the property has a linear length of 114.41 feet and the north side property has a linear length of 76.27 feet. According to real estate assessment records, the house was constructed in 1953.

III. Description

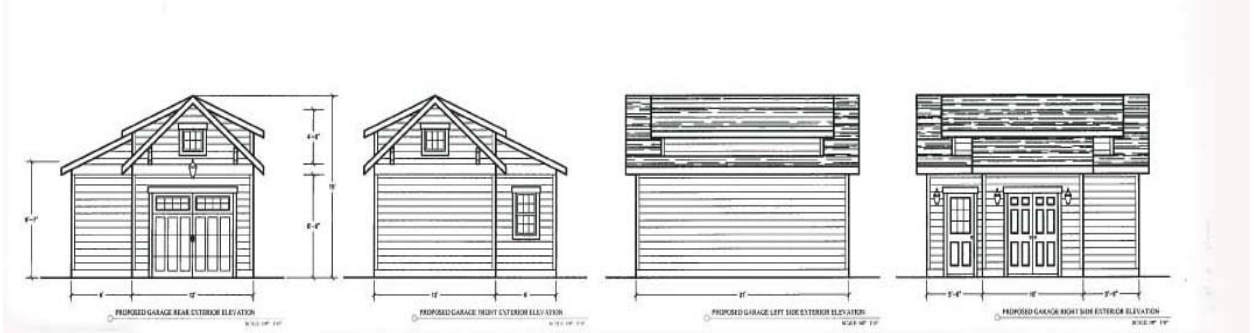
On September 29, 2010, the BZA deferred the applicants' request to allow the applicants to investigate possibly vacating city park land adjacent to their property to provide access to a new garage located on the north side of the property. The request for vacating public land was not supported by the City. The applicants in turn reconsidered alternative locations on the property and behind the front building restriction line (BRL). The BZA Chair was reluctant to hear a request that would violate a subdivision covenant and possibly open the applicants to a suit by their neighbors.

The applicants' current request is to locate the proposed detached one-car garage behind the BRL line, but projecting forward of the required 25.00 feet front setback requirement (18.00 feet) facing La Grande Avenue and within 3.00 feet of the south side property line. The proposed detached storage shed will also be located behind the BRL line, but also forward of the required 25.00 feet front setback requirement (20.00 feet) facing La Grande Avenue.

The details of the two improvements are as follows. The proposed detached garage will measure 12.00 feet by 21.00 feet for a total of 252 square feet. The garage height will be 15.00 feet to the roof ridge and 9.58 feet to the roof eaves. The garage will be located 18.00 feet from the front property line (facing La Grande Avenue) and 3.00 feet from the south side property line.

The detached storage shed measures 6.00 feet by 10.00 feet totaling 60.00 square feet. The shed will be located 20.00 feet from the front property line (facing La Grande Avenue), will comply with both side yard requirements and will measure 11.50 feet in

height to the highest roof point. The new shed will not use a common wall with the garage but will be built abutting the garage. The two structures total 312.00 square feet.



The subject property is located within the Town of Potomac Historic District and is listed as a non-contributing resource, likely because the house was constructed after the period of significance of the National Register nomination.

There have been no variances or special exceptions previously granted for the subject property.

IV. Master Plan/Zoning

The subject property is zoned R-2-5 and has been so zoned since adoption of the Third Revised Zoning Map in 1951 and identified in the Potomac West Small Area Plan for a residential land use.

V. Requested variances

Section 3-506(A)(1), Front:

Two variances are being sought. One for a detached garage and the other for a storage shed built abutting one another and located 18.00 feet and 20.00 feet respectively from the front property line facing La Grande Avenue. The required setback is 25.00 feet. The applicants request a variance of 7.00 feet for the garage and 5.00 feet for the shed.

3-506(A)(2) Side: (Garage)

A third variance is being sought to place the detached garage 3.00 feet from the south side property line. The required setback is 7.00 feet. The applicants request a variance of 4.00 feet from the required south side yard property line.

VI. Noncomplying structure

The existing building at 2302 Randolph Avenue is a noncomplying structure with respect to the following:

<u>Regulation</u>	<u>Required</u>	<u>Existing</u>	<u>Noncompliance</u>
Lot Area	5,000 sq. ft	4,800 sq. ft	200 sq. ft

VII. Staff analysis under criteria of section 11-1103

To grant a variance, the Board of Zoning Appeals must determine that a unique characteristic exists for the property. Section 11-1103 of the zoning ordinance lists standards that an applicant must address and that the Board believes exists and thus warrants varying the zoning regulations.

- (1) The particular physical surroundings, shape, topographical condition or extraordinary situation or condition of the property that prohibits or unreasonably restricts the use of the property.
- (2) The property's condition is not applicable to other property within the same zoning classification.
- (3) Hardship produced by the zoning ordinance was not created by the property owner.
- (4) The granting of a variance will not be detrimental to the public or other property or the neighborhood in which the subject property is located. Nor will the granting of a variance diminish or impair the value of adjoining properties or the neighborhood.
- (5) The granting of the variance will not impair light and air to the adjacent property.
- (6) The granting of a variance will not alter the character of the area nor be detrimental to the adjacent property.
- (7) Strict application of the zoning ordinance will produce a hardship.
- (8) Such hardship is generally not shared by other properties in the same zone and vicinity.
- (9) No other remedy or relief exists to allow for the proposed improvement.
- (10) The property owner has explored all options to build without the need of a variance.

VIII. Applicant's Justification for Hardship

The subject property is a substandard through lot (a lot with two front setbacks facing two public streets) that is angular in shape along the west property line which combined contributes to a hardship. The applicants feel that the front yard facing La Grande Avenue acts like a rear yard for the property. Because La Grande Avenue is, by definition, a front yard, there is a greater setback restriction.

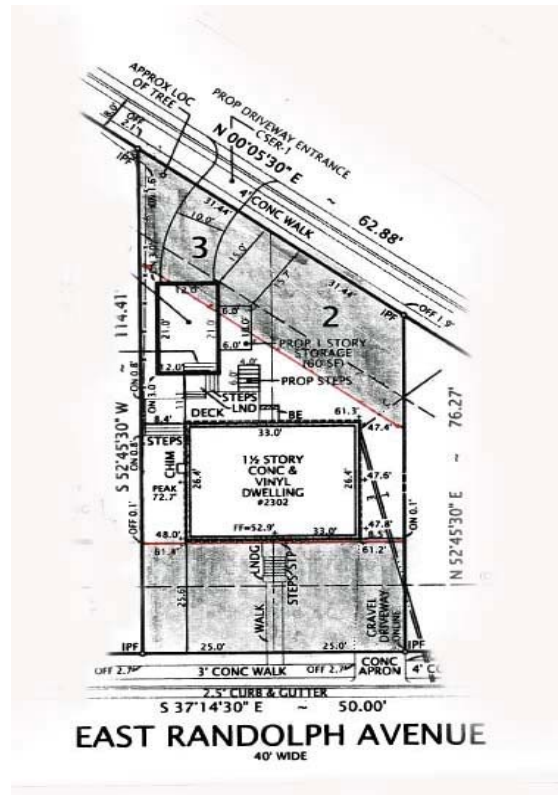
IX. Staff Analysis

The subject property's substandard lot size, irregular shape, and through lot configuration, with two street frontages, combine to create a hardship to build a detached garage. The area behind the house acts as a rear yard for the subject property rather than a front yard. The shape of the lot makes locating any structure on the property challenging because the front yard facing La Grande is set at an angle, thereby reducing the yard's depth toward the north end of the property line. Staff finds that the size, location, style and materials proposed for the garage are appropriate and compatible with the character of the neighborhood and will not adversely impact the historic status of the surrounding contributing resources in the Town of Potomac National Register Historic District.

If the Board should grant the request for the detached garage facing La Grande Avenue, staff recommends that the Board condition the approval on the applicants closing the curb cut on Randolph Avenue. Closing the existing curb cut on Randolph Avenue will help mitigate the impact to the neighborhood of the new curb cut on La Grande Avenue and will help offset the loss of public on-street parking spaces in the area due to construction of the new curb cut on La Grande Avenue. Staff has received from the neighbors several letters of support and a letter in opposition to the garage. Staff has also received a letter from neighboring property owners requesting that the curb cut on Randolph Avenue be closed if a new curb cut is granted on La Grande Avenue.

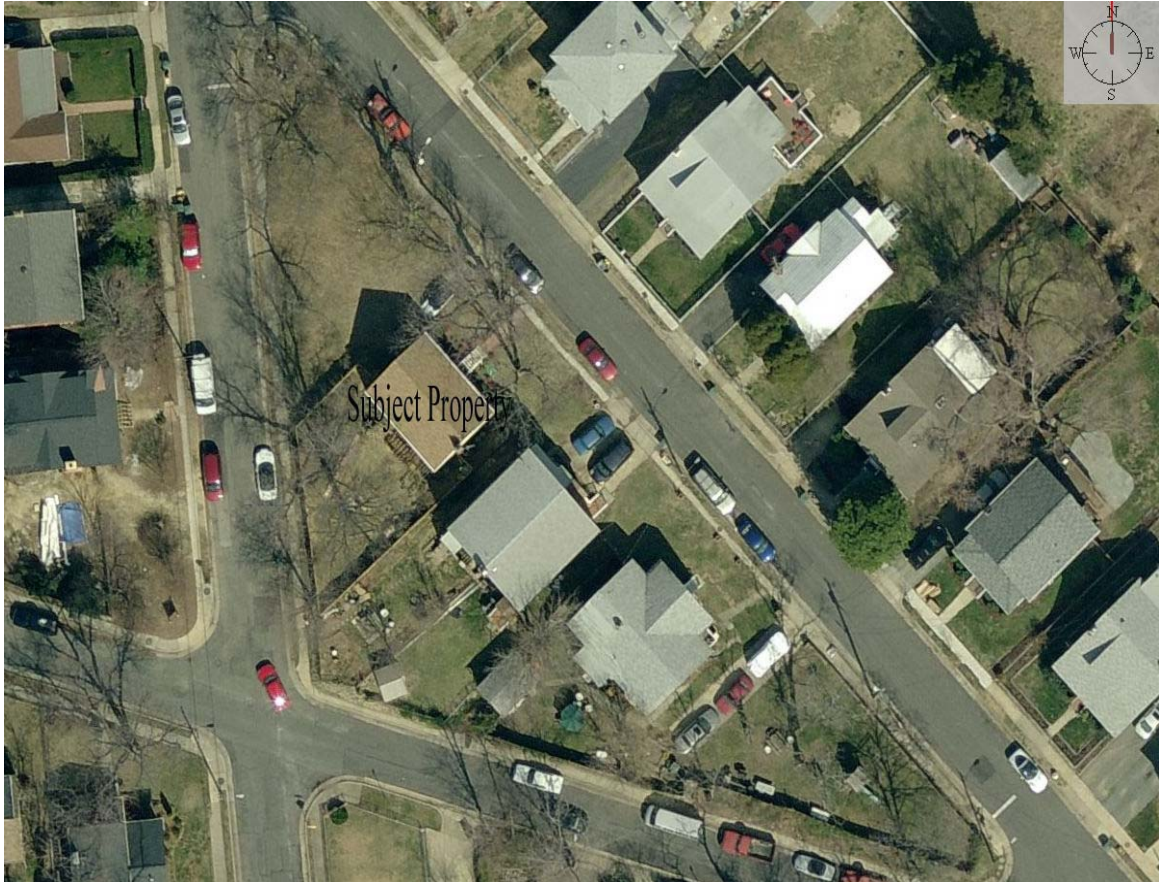
If the Board approves the variance for construction of the garage, the applicant will be required to apply to the Department of Transportation and Environmental Services, with Planning and Zoning review, to request approval of the new curb cut on La Grande Avenue.

Regarding the request for variance to build the abutting shed, staff believes that the applicants have not made sufficient justification for the variance to construct a shed in the proposed location. Staff has noted that there are other reasonable locations on the lot where a 60 square foot shed can be located to comply with the 25.00 feet front yard setback. The un-shaded areas shown in the included survey plat represent locations where the 60.00 square foot shed can be constructed without a variance.



X. Conclusion

Based upon the substandard lot size, irregular lot shape, and configuration as a through lot with the need to comply with two front yard setbacks, staff recommends approval of the variance for the garage. Staff recommends denial of the variance for the shed since other locations exist on the lot to construct the shed without the need for a variance.



DEPARTMENTAL COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

* The applicant is advised that if the variance is approved the following additional comments apply.

Transportation and Environmental Services:

- R-1 The building permit plans shall comply with requirements of City Code Section 5-6-224 regarding the location of downspouts, foundation drains and sump pumps. Refer to Memorandum to Industry dated June 18, 2004. [Memorandum is available online at the City web site under Transportation\Engineering and Design\Memos to Industry.]. (T&ES) (T&ES)
- R-2 Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (T&ES)
- R-3 All improvements to the city right-of-way such as curbing, sidewalk, driveway aprons, etc. must be city standard design. (T&ES)
- R-4 No permanent structure may be constructed over any existing private and/or public utility easements. It is the responsibility of the applicant to identify any and all existing easements on the plan. (T&ES)
- R-5 An erosion and sediment control plan must be approved by T&ES prior to any land disturbing activity greater than 2,500 square feet. (T&ES)
- R-6 Compliance with the provisions of Article XIII of the City's zoning ordinance for stormwater quality control is required for any land disturbing activity greater than 2,500 square feet. (T&ES)
- R-7 The building permit must be approved and issued prior to the issuance of any permit for demolition. (T&ES)
- R-8 Construction of a new driveway entrance, or widening of an existing driveway entrance, requires separate application to; and approval from, the City. Contact Construction & Inspection Division at (703) 746-4035 for an application. (T&ES)
- F-1 After review of the Plat showing the placement of the new driveway, more information is needed:
- Provide measurements and true placement of the radius arms and ensure they are completely within the property frontage, show distance from the existing fire hydrant and show items that are to be removed (trees).
 - As stated in recommendation 8 a separate application for the driveway curb cut must

BZA CASE #2010-0017

be submitted; it is advised that the applicant submit the application for the Curb Cut prior to moving forward with this review.

- F-2 An approved grading plan may be required at the time of building permit application per City Code Section 5-6-224 (d). Insufficient information has been provided to make that determination at this time. Questions regarding the processing of grading plans should be directed to the T&ES Site Plan Coordinator at (703) 746-4064. Memorandum to Industry No. 02-08 was issued on April 28, 2008 and can be viewed online via the following link. **<http://alexandriava.gov/uploadedFiles/tes/info/gradingPlanRequirements.pdf>**
- C-1 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99).
- C-2 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line.
- C-3 Roof, surface and sub-surface drains be connected to the public storm sewer system, if available, by continuous underground pipe. Where storm sewer is not available applicant must provide a design to mitigate impact of stormwater drainage onto adjacent properties and to the satisfaction of the Director of Transportation & Environmental Services. (Sec.8-1-22)
- C-4 All secondary utilities serving this site shall be placed underground. (Sec. 5-3-3)
- C-5 Any work within the right-of-way requires a separate permit from T&ES. (Sec. 5-3-61)

Code Administration:

- F-1 The review by Code Administration is a preliminary review only. Once the applicant has filed for a building permit, code requirements will be based upon the building permit plans. If there are any questions, the applicant may contact Thomas Sciulli, Plan Review Supervisor at thomas.sciulli@alexandriava.gov or 703-746-4190. (Code)
- C-1 Alterations to the existing structure and/or installation of equipment requires construction/alteration permits. Five sets of architectural quality drawings shall accompany the permit applications that fully detail the construction/alteration.
- C-2 A soils report must be submitted with the building permit application.
- C-3 All exterior walls within 5 feet from an interior property line shall have a fire resistance rating of 1 hour, from both sides, with no openings permitted within the wall. As alternative, a 2 hour fire wall may be provided.

Recreation (Arborist):

F-1 No specimen trees are affected by this plan.

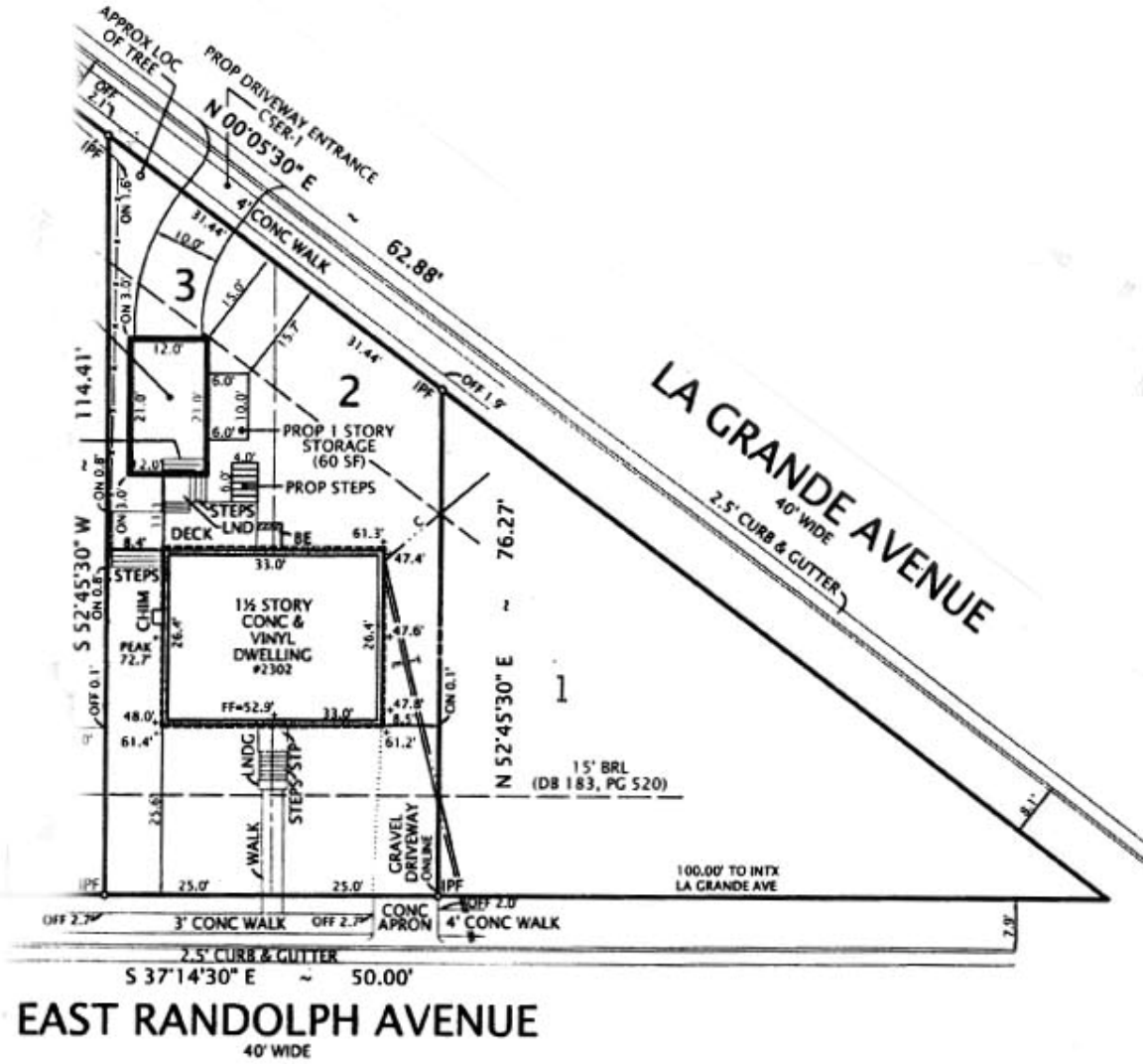
Historic Alexandria (Archaeology):

F-1 There is low potential for significant archaeological resources to be disturbed by this project. No archaeological action is required.

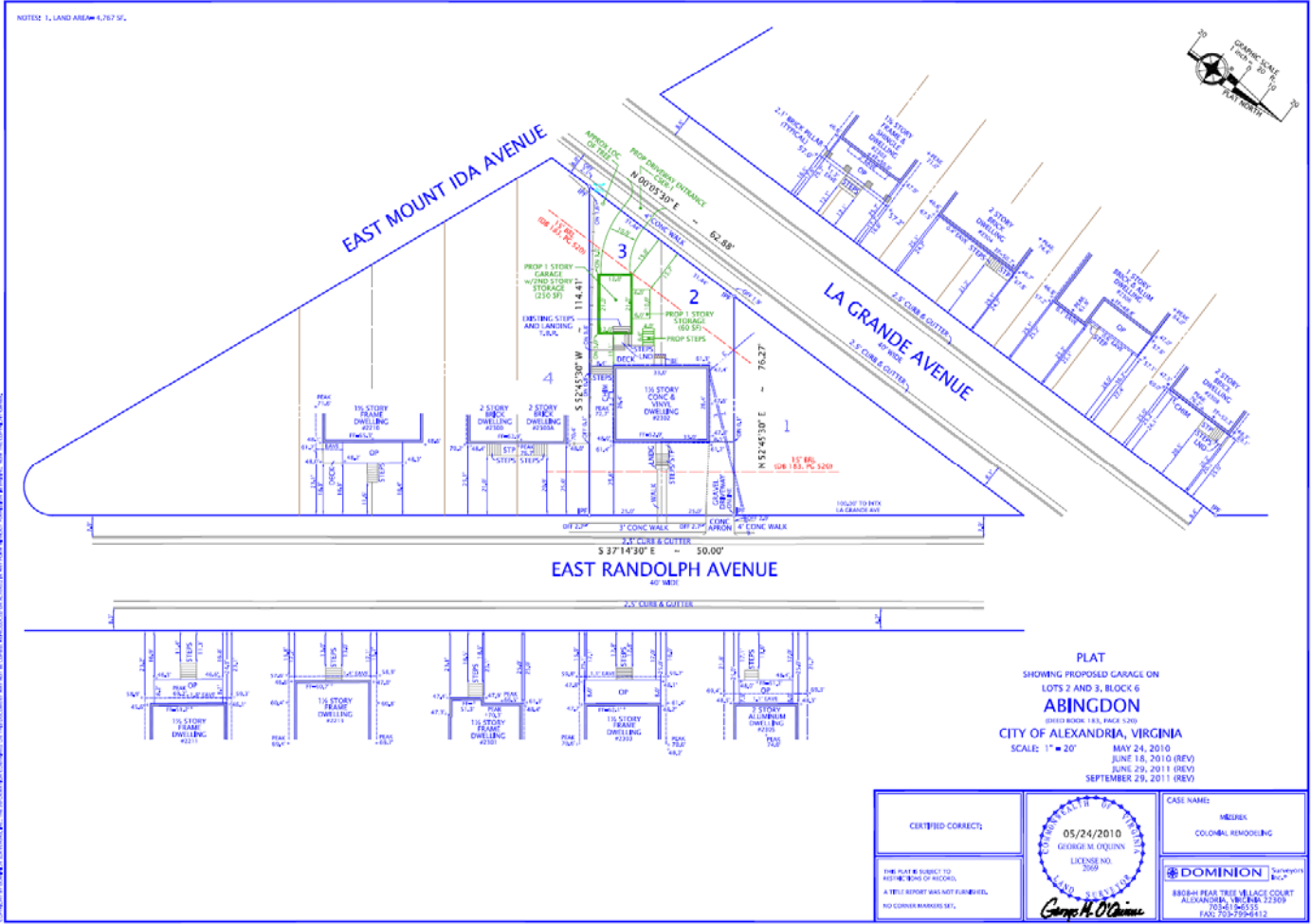
Other Requirements Brought to the Applicant's Attention:

C-1 A wall check survey plat shall be submitted to Planning and Zoning when the building footprint is in place, pursuant to Alexandria City Code section 8-1-12.

XI. Images



BZA CASE #2010-0017





A

**DEPARTMENT OF PLANNING AND ZONING
FLOOR AREA RATIO AND OPEN SPACE CALCULATIONS FOR
SINGLE AND TWO-FAMILY RESIDENTIAL OUTSIDE HISTORIC DISTRICTS**

A. Property Information

A1. Street Address 2902 East Randolph Avenue Zone R 2-5
 A2. 4800 x 0.45 = 2160
 Total Lot Area Floor Area Ratio Allowed by Zone Maximum Allowable Floor Area

B. Existing Gross Floor Area

Existing Gross Area*		Allowable Exclusions	
Basement	870	Basement**	870
First Floor	870	Stairways**	
Second Floor	573	Mechanical**	
Third Floor		Porch/Garage**	264
Porches/Other	264	Attic less than 5'**	
Total Gross*	2577	Total Exclusions	1134

B1. Existing Gross Floor Area *
 2577 Sq. Ft.
 B2. Allowable Floor Exclusions**
 1134 Sq. Ft.
 B3. Existing Floor Area minus Exclusions
 1443 Sq. Ft.
 (subtract B2 from B1)

C. Proposed Gross Floor Area (does not include existing area)

Proposed Gross Area*		Allowable Exclusions	
Basement	0	Basement**	0
First Floor	312	Stairways**	0
Second Floor	252	Mechanical**	0
Third Floor	0	Porch/Garage**	0
Porches/Other	0	Attic less than 5'**	0
Total Gross*	564	Total Exclusions	0

C1. Proposed Gross Floor Area *
 564 Sq. Ft.
 C2. Allowable Floor Exclusions**
 0 Sq. Ft.
 C3. Proposed Floor Area minus
 Exclusions 564 Sq. Ft.
 (subtract C2 from C1)

D. Existing + Proposed Floor Area

D1. Total Floor Area (add B3 and C3) 2007 Sq. Ft.
 D2. Total Floor Area Allowed by Zone (A2) 2160 Sq. Ft.

*Gross floor area for residential single and two-family dwellings in the R-20, R-12, R-8, R-5, R-2-5, RB and RA zones (not including properties located within a Historic District) is the sum of all areas under roof of a lot, measured from exterior walls.

**Refer to the zoning ordinance (Section 2-145(A)) and consult with zoning staff for information regarding allowable exclusions.

If taking exclusions other than basements, floor plans with excluded areas illustrated must be submitted for review. Sections may also be required for some exclusions.

E. Open Space Calculations Required in RA & RB zones

Existing Open Space	
Required Open Space	
Proposed Open Space	

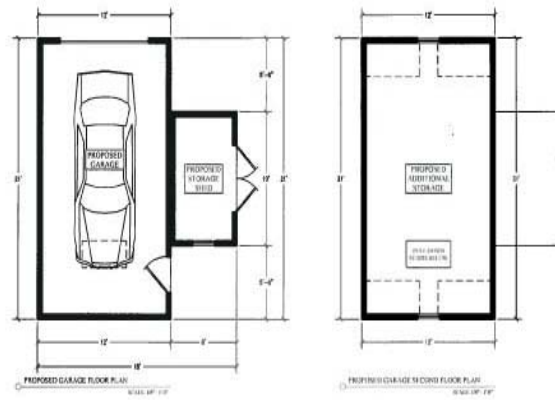
The undersigned hereby certifies and attests that, to the best of his/her knowledge, the above computations are true and correct.

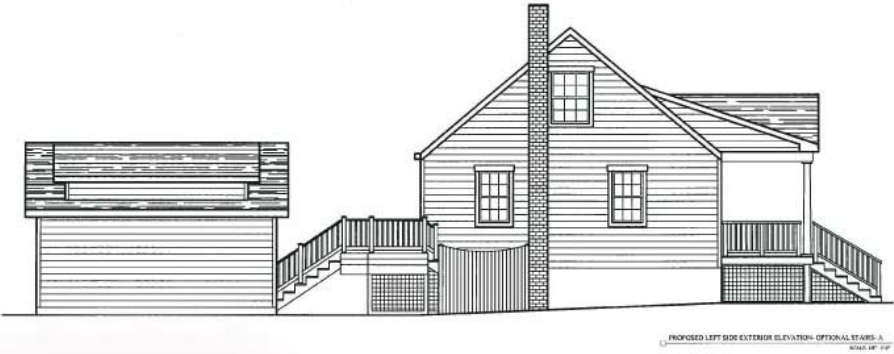
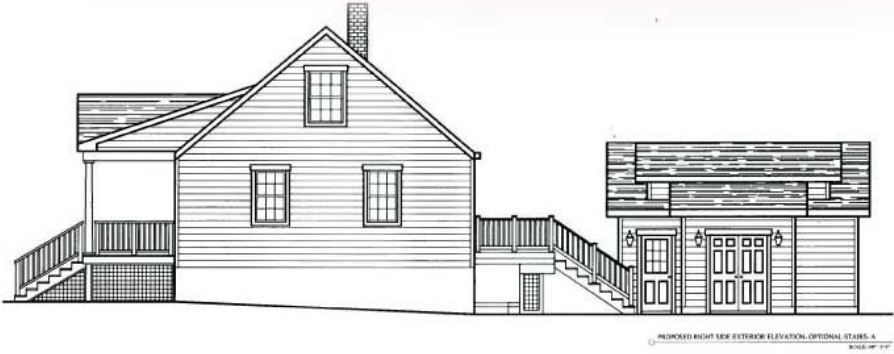
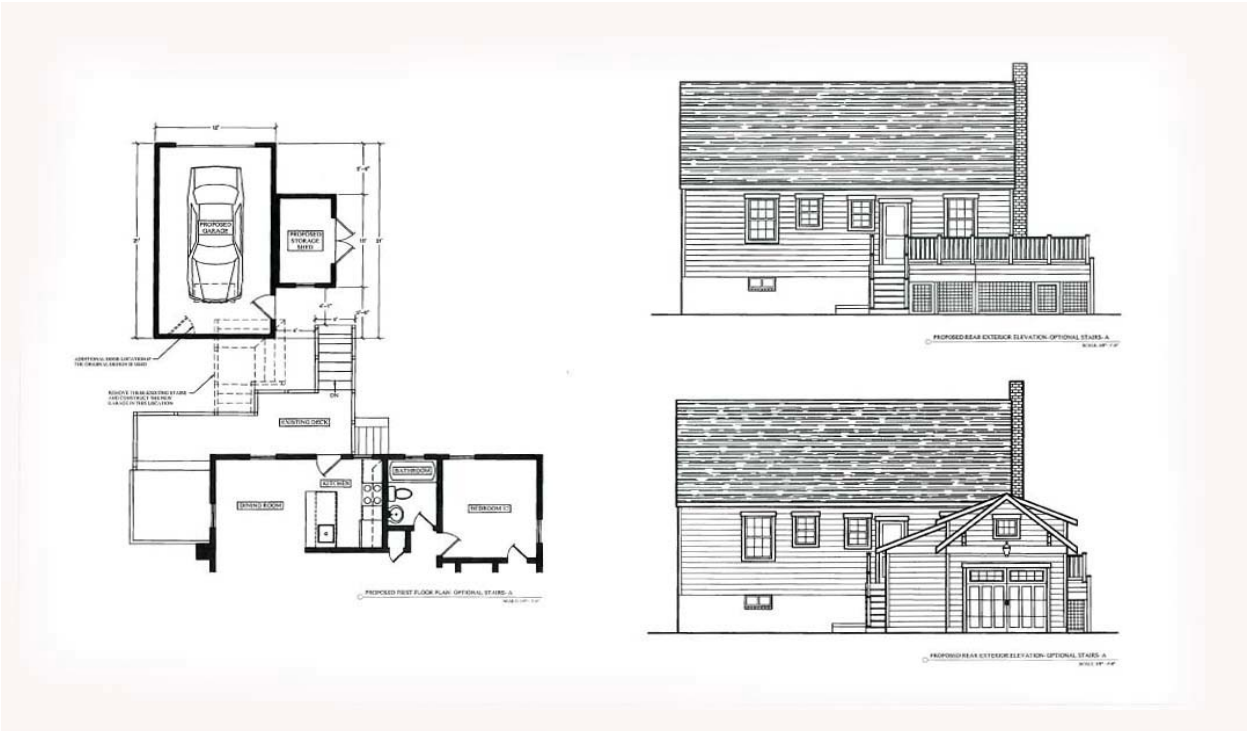
Signature: _____

Date: 06/08/2010

BZA 2010-0017 MIZEREK RESIDENCE, 2302 RANDOLPH AVE









DEVELOPING SOLUTIONS INC.
3732 Center Way, Fairfax, Virginia 22033 ☉ (703) 843-5996 Fax: (703) 997-5996

September 30, 2011

City of Alexandria
Board of Zoning Appeals

Re: 2302 Randolph Avenue
Variance Request

At our previous hearing date of September 16, 2010, a concern by the Board of Zoning Appeals was noted regarding our proposal to erect our accessory structure over and beyond a Building Restriction Line (BRL) that exists on our property. We have decided to move our accessory structure to an area in the rear yard of the property that allows us ample space to erect the structure that does not cross over the BRL.

Please find attached our revised construction plan and property plat showing the new location of our structure.

Sincerely,

Rick Flather, Agent

File copy

BZA Case # 2010-0017



**APPLICATION
BOARD OF ZONING APPEALS**

VARIANCE

Section of zoning ordinance from which request for variance is made:
3-506 Bulk and open space regulations (A) Yard requirements
(2) Side yards. Each single-family dwelling shall provide two
side yards, each based on a setback ratio of 1:3...

PART A

1. Applicant: Owner Contract Purchaser Agent

Name RICHARD FLATHER

Address 2925 ELMESMEADE COURT
OAKTON, VA 22033

Daytime Phone 703-843-5996 243 5996

Email Address RFLATHER@COX.NET

2. Property Location 2302 RANDOLPH AVENUE

3. Assessment Map # 035.01 Block 05 Lot 02 Zone R 2-5

4. Legal Property Owner Name MIZEREK LAUREN, STEER KAREN

Address 2302 RANDOLPH AVENUE
ALEXANDRIA, VA 22301



BZA 2010-0017

OWNERSHIP AND DISCLOSURE STATEMENT
Use additional sheets if necessary

1. Applicant. State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. Richard Flather	2925 Elmesmeade Court Oakton, VA 22124	0%
2. Developing Solutions, Inc	2925 Elmesmeade Court Oakton, VA 22124	0%
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 2302 Randolph Ave (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

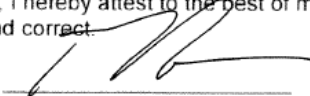
Name	Address	Percent of Ownership
1. Lauren Mizerek	2302 East Randolph Avenue Alexandria, VA 22301	50%
2. Karen Steer	2302 East Randolph Avenue Alexandria, VA 22301	50%
3.		

3. Business or Financial Relationships. Each person or entity listed above (1 and 2), with an ownership interest in the applicant or in the subject property is required to disclose any business or financial relationship, as defined by Section 11-350 of the Zoning Ordinance, existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. N/A		
2.		
3.		

NOTE: Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

5/26/2010 RICHARD FLATHER 
Date Printed Name Signature

BZA 2010-0017

Alexandria City Council

William Euille, Mayor
Kerry Donnelly, Vice Mayor
Frank Fannon IV
Alicia Hughes
Rob Krupicka
Redella "Del" Pepper
Paul Smedberg

Planning Commission

John Komoroske, Chair
H. Steward Dunn, Vice Chair
Donna Fossum
J. Lawrence Robinson
Mary Lyman
Jesse Jennings
Eric Wagner

Board of Zoning Appeals

Harold Curry, Chair
Mark Allen, Vice Chair
Geoffrey Goodale
David Lantzy
Jennifer Lewis
Eric Zander
John Keegan

**Board of Architectural Review
Old and Historic District**

Thomas Hulfish, Chair
Oscar Fitzgerald
Arthur Keleher
Wayne Neale
Peter Smeallie
James Spencer
John Von Senden

Board of Architectural Review

Parker-Gray District

Christina Kelley, Chair
William Conkey
H. Richard Lloyd, III
Thomas Marlow
Douglas Meick
Philip Moffat
Deborah Rankin

Definition of business and financial relationship.

Section 11-305 of the Zoning Ordinance defines a business or financial relationship as any of the following:

- (1) a direct one;
- (2) by way of an ownership entity in which the member or a member of his immediate household is a partner, employee, agent or attorney;
- (3) through a partner of the member or a member of his immediate household;
- (4) through a corporation in which any of them is an officer, director, employee, agent or attorney or holds 10 percent or more of the outstanding bonds or shares of stock of a particular class. In the case of a condominium, this threshold shall apply only if the applicant is the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium;
- (5) not as an ordinary customer or depositor relationship with a professional or other service provider, retail establishment, public utility or bank, which relationship shall not be considered a business or financial relationship;
- (6) created by the receipt by the member, or by a person, firm, corporation or committee on behalf of the member, of any gift or donation having a value of more than \$100, singularly or in the aggregate, during the 12-month period prior to the hearing on the application from the applicant.

BZA Case # 2010-0017

5. Describe request briefly:
Applicant proposes to erect a single-car garage with a
second-story storage area above the garage and a first-
floor storage area attached to the side of the garage.

6. If property owner or applicant is being represented by an authorized agent, such as an attorney, realtor or other person for which there is a form of compensation, does this agent or the business in which they are employed have a business license to operate in the City of Alexandria, Virginia?

Yes — Provide proof of current City business license.

No — Said agent shall be required to obtain a business prior to filing application.

THE UNDERSIGNED HEREBY ATTESTS that all of the information herein provided including the site plan, building elevations, prospective drawings of the projects, etc., are true, correct and accurate. The undersigned further understands that, should such information be found incorrect, any action taken by the Board based on such information may be invalidated. The undersigned also hereby grants the City of Alexandria permission to post placard notice as required by Article XI, Division A, Section 11-301(B) of the 1992 Alexandria City Zoning Ordinance, on the property which is the subject of this application. The applicant, if other than the property owner, also attests that he/she has obtained permission from the property owner to make this application.

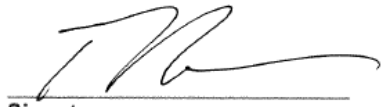
APPLICANT OR AUTHORIZED AGENT:

RICHARD FLATHER

Print Name

703-843-5996

Telephone



Signature

5/26/2010

Date

Pursuant to Section 13-3-2 of the City Code, the use of a document containing false information may constitute a Class 1 misdemeanor and may result in a punishment of a year in jail or \$2,500 or both. It may also constitute grounds to revoke the permit applied for with such information.

BZA Case # 2010-0017

PART B (SECTION 11-1102)

NOTE: The Board of Zoning Appeals may grant a variance only if the applicant can demonstrate a legal hardship. A legal hardship refers to the shape and topographical conditions, or to some other unique characteristic of the property; for example, if a rear yard has sharp drop-off or hilly terrain where an addition could otherwise be located legally, or if the property has three front yards.

A legal hardship is NOT, for example, having a large family in a two-bedroom house, or that you need a first-floor bedroom and bath. (These are good personal reasons for a variance, but do not constitute a legal hardship having to do with specific conditions of the land.)

APPLICANT MUST EXPLAIN THE FOLLOWING:

(Please print clearly and use additional pages where necessary.)

1. Does strict application of the zoning ordinance to the subject property result in a hardship to the owner? (Answer A or B).

A. Explain how enforcement of the zoning ordinance will amount to confiscation of the property.

B. Explain how enforcement of the zoning ordinance will prevent reasonable use of the property.

Section 3-506(A)(2) states the setback ratio is 1:3. The combination of the setback ratio of 1:3 and the existing 15' BRL (DB 183, PG 520) limits the use of the rear yard to add a detached garage. The available location for the proposed detached garage encroaches the 1:3 setback ratio for the side yard. This encroachment eliminates the availability of the proposed garage.

2. Is this hardship unique to the property?

A. Explain if the hardship shared by other properties in the neighborhood.

Several neighbors have shared similar hardships by adding additional storage or a garage to the rear of their property. More specifically, addresses 2305 East Randolph Avenue, 2303 East Randolph Avenue, & 2209 East Randolph Avenue have detached additions to the rear of their properties which encroach into setback ratios.

BZA Case # 2010-0017

B. Explain how this situation or condition of the property (on which this application is based) applies generally to other properties in the same zone.

The combination of the 1:3 setback ratio and the 15' BRL strictly limits the rear of each property from adding most means for a garage or storage area that could be located to the furthest point of the rear property away from the residence.

3. Was the hardship caused by the applicant?

A. Did the condition exist when the property was purchased?

The 15' BRL and the 1:3 setback ratio both existed when the property was purchased. The owners did not realize at the time of purchase that modifications to their home would be limited.

B. Did the applicant purchase the property without knowing of this hardship?

The owners had intended to add improvements to the front and rear of the property at the time they purchased the home. It was not known at the time of their purchase that improvements to the front elevation of the home and storage additions to the rear of the home would be limited.

C. How and when was the condition, which creates the hardship, first created?

The home owners had drafted their ideas of improving the front and rear of the home after the purchase of their home on 12/12/08.

D. Did the applicant create the hardship and, if so, how was it created?

The hardship for the rear of the property has always existed. The setback requirements for the rear of the property does not invite garage or storage areas.

BZA Case # 2010-0017

4. Will the variance, if granted, be harmful to others?

A. Explain if the proposed variance will be detrimental to the adjacent properties or the neighborhood in general.

There is no known property detriments to the adjacent properties or the neighborhood in general. Several other properties in the neighborhood already have similar additions to their properties.

B. Explain how the proposed variance will affect the value of the adjacent and nearby properties.

The proposed variance will not have an adverse effect on the adjacent and nearby properties. The new proposed addition will have features that will compliment the most recent alterations to the owners property. Recent modifications to the exterior of the primary residence will be matched in material and color.

C. Has the applicant shown the proposed plans to the most affected property owners? Has that neighbor objected to the proposed variance, or has the neighbor written a letter of support of the proposed variance? If so, please attach the letter.

The home owner has shared the designed drawings and discussed the improvements with all the surrounding neighbors. None of the adjoining neighbors expressed opposing concern to the proposed addition. Attached letters supporting the proposed addition are attached to the end of the application.

D. Explain how the proposed variance will change the character of the neighborhood.

The rear of the property where the proposed garage will be located will be most visible to the front of three properties on La Grande Ave and to the side of 2300A East Randolph Ave. The proposed variance will permit an attractive elevation of the front of a structure to be located in the rear of the property.

BZA Case # 2010-0017

5. Is there any other administrative or procedural remedy to relieve the hardship?

The owners feel they have exhausted other avenues by meeting several times with City of Alexandria Zoning representatives. The Zoning Department recommended submitting a variance for the proposed garage as the only means of obtaining approval.

PART C

1. Have alternative plans or solutions been considered so that a variance would not be needed? Please explain each alternative and why it is unsatisfactory.

Other probable drawings all encountered the need for a variance because of the size, shape, and location of the lot. There is only one position on the lot that will allow for the construction of the proposed garage. Other locations on the property encroach too far into the setbacks.

Multiple horizontal lines for handwritten input.

May 6, 2010

Lauren Mizerek & Karen Steer
2302 E Randolph Ave
Alexandria, VA 22301

Subject: City of Alexandria Board of Zoning Appeals Application for Variance Request.

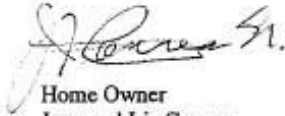
Dear Lauren and Karen:

As a long time resident of Alexandria, I am writing to express my full support in the anticipated decision to build a garage on your lot.

I understand through our discussion and by viewing the drawing plans provided, that based on similar lots in our area the proposed garage falls within the character of our Del Ray neighborhood.

I also understand that the structure will not be harmful, unsightly, or become a visionary hindrance. In fact, I feel that the new structure will have a positive effect on home values in the neighborhood.

Sincerely,



Home Owner
Juan and Iris Correa
2301 E Randolph
Alexandria, VA 22301



May 6, 2010

Lauren Mizerek & Karen Steer
2302 E Randolph Ave
Alexandria, VA 22301

Subject: City of Alexandria Board of Zoning Appeals Application for Variance Request.

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Sincerely,



Home Owner
Preston R Peace
2300 A E Randolph Ave
Alexandria, VA 22301



May 6, 2010

Lauren Mizerek & Karen Steer
2302 E Randolph Ave
Alexandria, VA 22301

Subject: City of Alexandria Board of Zoning Appeals Application for Variance Request.

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I also understand that the structure will not be harmful, unsightly, or become a visionary hindrance. In fact, I feel that the new structure will have a positive effect on home values in the neighborhood.

Sincerely,



Home Owners
Dominic Frinzi and Amy Schumaier
2303 La Grande Ave
Alexandria, VA 22301



May 6, 2010

Lauren Mizerek & Karen Steer
2302 E Randolph Ave
Alexandria, VA 22301

Subject: City of Alexandria Board of Zoning Appeals Application for Variance Request.

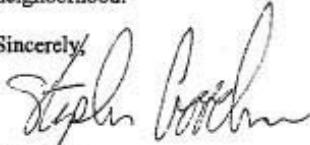
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Sincerely,



Home Owner
Stephen Goodman
2300 E Randolph Ave
Alexandria, VA 22301



May 6, 2010

Lauren Mizerek & Karen Steer
2302 E Randolph Ave
Alexandria, VA 22301

Subject: City of Alexandria Board of Zoning Appeals Application for Variance Request.

Dear Lauren and Karen:

As a resident of Alexandria, I am writing to express my full support in the anticipated decision to build a garage on your lot.

I understand through our discussion and by viewing the drawing plans provided, that based on similar lots in our area the proposed garage falls within the character of our Del Ray neighborhood.

I also understand that the structure will not be harmful, unsightly, or become a visionary hindrance. In fact, I feel that the new structure will have a positive effect on home values in the neighborhood.

Sincerely,



Home Owners
Richard Harrelson and Luisa Paucchi
2303 E Randolph Ave
Alexandria, VA 22301



BZA2010-0017

September 23, 2010

To: Julie Feurth

Hi Julie

My name is Barry g Bowser and I live at 2304 La Grande Avenue. I the purpose of this letter is to inform you that I oppose the approval of a zoning ordinance concerning 2302 Randolph Avenue for a Garage that will face La Grande. La Grande has all homes facing La Grand, no rear entrance. It is not a hardship to build a garage to hold what you consider to be a hardship (car). It ruins La Grande and turns it into an alley and disrupts parking for those on La Grande. As I walked away one of the owners of 2302 Randolph made the comment that I was too late that it had already been approved? Interesting since the meeting is 2 days later???????

They did not contact me at all. I walk over to their property last night and they ask me to sign a form, I as what it was for and they said just so I was aware of the plans. That is hardly a cavalier way of taking your neighbors feels into consideration. La Grande is for the front of homes not for an alley entrance to house a personal toy? I will be at the meeting tomorrow night to oppose this. I will also email Peter Leiberg.

Thank you and best regards

Barry g. Bowser



BZA 2010-0017
Submitted @ hearing
9/16/10.

LADIES AND GENTLEMEN THESE ARE MY
COMMENTS REGARDING THE MATTER IN
QUESTION BEFORE YOU.

FOR INFORMATION PURPOSES MY NAME IS
JUAN CORREA, SENIOR, AND I OWN TWO
PROPERTIES, 2301 AND 2305 BOTH OF THEM
DIAGONLY ACROSS THE PETITIONER AT 2302
EAST RANDOLPH AVENUE.

THE PROPOSED GARAGE AND SHED WILL BE IN
THE SAME BLOCK OF AN EXISTING GARAGE
AT THE REAR OF THE 2210 EAST RANDOLPH
PROPERTY, WHICH ALSO HAS A DRIVEWAY
FACING EAST RANDOLPH. AS MATTER OF FACT
THE PROPOSED WILL BE JUST ONE PARCEL,
THAT IS, ABOUT 50 FEET FROM THAT

2

GARAGE. FURTHER MORE YOU SHOULD
CONSIDER THAT TO BE A STABLISHED
PRECEDENT.BEARING ON THE APPROVAL OF
THE PETITION.

FURTHERMORE, NO BODY SHOULD EVER
CRITICISE YOUR FAVORABLE DECISION
SINCE THERE ARE ALWAYS PLENTY OF
AVAILABLE PARKING SPACES ON THAT
BLOCK AND FOR THE RESULTING INCREASE ON
PROPERTY TAX.



City of Alexandria, Virginia
MEMORANDUM

DATE: SEPTEMBER 8, 2010

TO: JOAN WAGNER, SUPERVISORY ADMINISTRATIVE OFFICER
DEPARTMENT OF TRANSPORTATION AND ENVIRONMENTAL
SERVICES

THRU: PETER LEIBERG, ZONING MANAGER
DEPARTMENT OF PLANNING AND ZONING

FROM: MARLO FORD, URBAN PLANNER, ZONING COMPLIANCE

SUBJECT: DRIVEWAY APRON REQUEST FOR 2302 EAST RANDOLPH AVE.

The Department of Planning and Zoning has reviewed the request for a curbcut apron on the west side of the parcels located at 2302 East Randolph. The subject property is currently scheduled to go before the Board of Zoning Appeals (BZA2010-00017) on September 16, 2010 to construct a detached garage in their secondary front yard facing La Grande Avenue.

The property is located within the Town of Potomac District that requires access from an alley or interior court; however, because there is no alley way or interior court, La Grande Avenue would be the alternative.

The Department of Planning and Zoning recommends approval provided that the Board of Zoning Appeals grants the variance request and with the condition that no more than 50% of the required front yard is paved per section 7-1005 of the zoning ordinance.

BZA 2010-0017

Amy Slack
2307 E. Randolph Avenue

September 16, 2010

Lucky Stokes, Division Chief
T&ES / Construction
301 King Street, room 4130
Alexandria, VA 22314

Subject: Curb cut request
Applicant: Lauren Mizerek and Karen Steer
2302 Randolph Avenue

Lucky,

I am opposed to the applicants' request for a second curb cut onto their property without a requirement to close the exiting curb cut. Granting two curb cuts for the subject property sets precedence potentially applicable to numerous properties in close proximity.

The subject property is considered by Planning & Zoning to be a through-lot, having frontage on both Randolph Avenue and La Grande Avenue. At 4800sf in size it is 'substandard'; it does not meet the zoning requirement for R2-5/Residential Single and Two Family Residential for interior lots (5000sf).

Currently the applicants' have a curb cut on Randolph Avenue that allows them to park more than one vehicle off-street, should they choose so. They have applied for a zoning variance to allow construction of a single-vehicle garage within the required set back on La Grande Avenue. As part of granting the variance request, Planning staff has recommended the garage face La Grande Avenue and the existing curb cut facing Randolph Avenue be closed. This orientation would require a new curb cut and the applicants object to closing the existing curb cut. The Board of Zoning will decide this evening whether to grant the requested variance.

The subject property is one of six lots in the same block-face of Randolph Avenue; each property is a through-lot and all are substandard in size. In the adjoining block there are eight properties with frontage on Custis Avenue and Mt. Ida Avenue; all are through-lots and all but 2 are substandard in size. Few of these properties have a garage on site; most do have a single curb cut. *A decision favoring the applicants to allow more than one curb cut would also favor thirteen other through-lot properties in the immediate vicinity.*

Amy Slack
2307 E. Randolph Avenue

The supply of public parking is almost always a 'hot' issue and the City usually avoids the privatization of public parking unless it involves matters of public safety, to meet the time limited needs of churches or accommodate disabled persons.

Case in point: My husband and I own and live in our home at 2307 Randolph Avenue, that borders the subject property. About fourteen years we sought to increase our ability to park more than one vehicle off-street and should we construct one, open the potential to access a garage. We requested a new curb cut and were told by T&ES we must agree to close the exiting curb cut before a permit would be issued.

So it is a matter of consistent application of T&ES policy and general fairness to maintain the supply of public parking that we ask T&ES to deny a request for a second curb cut without a requirement to close the exiting one.

We appreciate you attention in this matter.

Sincerely,
David Fromm
Amy Slack

cc: Rich Baier
Peter Leiberg